

Testimony of Raphael L. Podolsky

H.B. 6781 – An Act Addressing Housing Affordability for Residents in the State

H.B. 6780 – An Act Concerning Tenant Rights

Housing Committee public hearing – February 28, 2023

We **SUPPORT** these bills as a whole. Sections 2, 4, and 5 of H.B. 6781 are the same as Sections 1 through 3 of H.B. 6780. Below are our comments on some of the sections of these bills that are most important to us:

- Access to summary process records (Sec. 10-22): The bill attempts to prevent the misuse of eviction records that arises when a landlord screens out tenant applications, without further investigation, because the tenant's name (or a name similar to the tenant's name) shows up in a summary process database, without making any examination of the reason for the eviction, the outcome of the case, or its staleness. Summary process case records stay on the public Judicial Branch website for three years if there has been a judgment entered and for one year if they are disposed of without a judgment (e.g., if the case is withdrawn). In a housing marketplace in which landlords may get dozens of applications for a single apartment, this inappropriate use of eviction records leaves an increasing number of tenants unable to find any apartment. Section 11 of this bill makes it an unfair housing practice to deny an applicant because of a case in which there was no judgment for the landlord or if the case is more than five years old. We support the bill, but the bill will be largely unenforceable unless the Judicial Branch removes general access to records which have been deleted.
 - Requested changes: We request two changes: (1) the five-year limit in Section 11 should be reduced to three years to match the time currently on the Judicial website and (2) the database provided to screening companies should not include records that have been deleted from the website.
- Pass-through of cost of tenant screening reports (Sec. 4 of H.B. 6781 and Sec. 2 of H.B. 6780): These bills prohibit landlords from charging for screening reports unless they are actually purchased and limit the charge to that cost.
 - Drafting note: There may be need to modify the wording of the bill to comply with federal screening report procedures.
- Notice of no-fault eviction rights (Sec. 5 of H.B. 6781 and Sec. 4 of H.B. 6780): Under C.G.S. 47a-23c, seniors and persons with disabilities who live in buildings or complexes of five or more units cannot be evicted for "refusal to agree to a fair and equitable rent increase"; and rent increases for such tenants are required to be "fair and equitable." Few senior renters and persons with disabilities even know they have these rights, nor do many landlords and even some attorneys. This section requires that landlords provide tenants in covered buildings with a standard notice, written by DOH, of these rights.

- Pre-occupancy walk-through check list (Sec. 2 of H.B. 6781 and Sec. 1 of H.B. 6780): The bill requires that, after a rental agreement has been made but before occupancy, the landlord must offer the tenant an opportunity to walk-through the apartment, using a standard DOH-drafted checklist to identify defective conditions in the apartment. The checklist can be used as evidence if there is a dispute after the tenant vacates. It is important, however, that it is non-conclusive, since there may be defects not noticed, or not noticeable, at the time of the walk-through.
- RAP application procedure study (Sec. 29 and 31): The bill requires a study of how to shorten the time that a landlord must hold an apartment while waiting for DOH to inspect and approve the apartment.
 - Concern: We have some concerns, however, about the Landlord Relief Pilot Program in Section 31, which would pay landlords for delays in approvals. It would be better to shorten the turn-around times. In any event, fewer delays would reduce the amount needed to be paid under this program.